

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

**MICHAEL KEITH
Reg #30911-018**

PETITIONER

VS. **CASE NO.: 2:12CV00180 DPM/BD**

**T.C. OUTLAW, Warden,
Federal Correctional Complex,
Forrest City, Arkansas**

RESPONDENT

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections

The following Recommended Disposition (“Recommendation”) has been sent to United States District Judge D.P. Marshall Jr. Any party may file written objections to this Recommendation.

Objections must be specific and must include the factual or legal basis for the objection. An objection to a factual finding must identify the finding of fact believed to be wrong and describe the evidence that supports that belief.

An original and one copy of objections must be received in the office of the United States District Court Clerk within fourteen (14) days of this Recommendation. A copy will be furnished to the opposing party.

If no objections are filed, Judge Marshall can adopt this Recommendation without independently reviewing all of the evidence in the record. By not objecting, you may also waive any right to appeal questions of fact.

Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

II. Discussion

On August 30, 2012, Michael Keith, a federal prisoner proceeding pro se, filed a petition for writ of habeas corpus (docket entry #1) under 28 U.S.C. § 2241. In the petition, Mr. Keith challenges the Bureau of Prisons’ jail-credit calculation.

When filing the petition, Mr. Keith neglected either to pay the \$5.00 filing fee or to submit a motion to proceed *in forma pauperis*. On August 31, 2012, the Court entered an Order (#3) giving Mr. Keith thirty days to pay the filing fee or move to proceed *in forma pauperis*. Mr. Keith was warned that failure to comply with the Court’s Order could result in dismissal of his case.

More than thirty days have passed since the Order was entered, and Mr. Keith has neither paid the filing fee nor filed the necessary papers to proceed *in forma pauperis*. Accordingly, Mr. Keith’s petition should be dismissed without prejudice.

III. Conclusion

The Court recommends that Mr. Keith’s petition be dismissed without prejudice under Local Rule 5.5(c)(2).

DATED this 17th day of October, 2012.



Barbara J. Donaldson
UNITED STATES MAGISTRATE JUDGE